



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

August 23, 2001

Construction-Operations
Regulatory (97-01337-JRB)

Mr. Douglas Cassidy
3409 Avonmore Street
Las Vegas, Nevada 89129

Dear Mr. Cassidy:

We have reviewed information about a wetland that is located on land you own in the City of Eau Claire. The site is in NW 1/4, NW 1/4, Sec. 13, T. 27N., R. 10W., Eau Claire County, Wisconsin. The wetland is shown on the attached map labeled 97-01337-JRB.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The area encompassed by this jurisdictional determination is a waterbody/wetland that is approximately 1.2 acres in size.

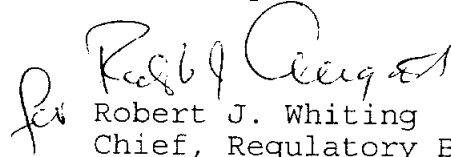
The subject water body is not a "water of the United States" because it is: (1) not a "navigable water" as defined by Federal law, (2) not an interstate water, (3) not part of a tributary system to (1) or (2), (4) not a wetland adjacent to any of the foregoing, and (5) not an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. This waterbody is therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. Please note that a water that is not navigable under Federal law may still be "navigable" as defined by state law (and may therefore be subject to regulation by the state).

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time.

PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS (SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY).

If you have any questions, contact Jason R. Berkner in our St. Paul office at (651) 290-5015. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Robert J. Whiting
Chief, Regulatory Branch

Enclosure

Copies furnished:

Dan Koich, WDNR - Eau Claire

Lois Simon, WDNR - Madison